

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

POWER BUYING DEALERS USA, INC., a
Delaware corporation,

Plaintiff,

v.

JUUL LABS, INC., a Delaware corporation,
and HS WHOLESALE, LIMITED, an Illinois
corporation,

Defendants.

Case No. 1:21-cv-3154

Judge Sharon J. Coleman

Magistrate Judge Jeffrey T. Gilbert

JOINT STATUS REPORT

Pursuant to the October 25, 2023 Order entered by Magistrate Judge Jeffrey Gilbert (Dkt. 185), Plaintiff Power Buying Dealers USA, Inc. (“PBD”) and Defendants Juul Labs, Inc. (“JLI”) and HS Wholesale, Limited (“HS Wholesale”) submit the following joint status report regarding a proposed schedule for completion of discovery and outstanding fact witness depositions.

I. Revised Discovery Schedule.

PBD proposes the following revised discovery schedule:

- **November 27, 2023:** All written completed.
- **January 19, 2024:** Fact discovery deadline.¹
- **January 26, 2024:** Plaintiff issues demand (for mediation).
- **February 2, 2024:** Defendants respond to mediation demand (*i.e.*, offers).
- **Week of February 5, 2024:** Court mediation (date TBD).
- **March 15, 2024:** Deadline for PBD to serve any expert disclosures and reports.

¹ This deadline presumes timely completion of production by HSW pursuant to the Court’s order (Dkt. 185).

Defendants propose the following revised discovery schedule, which they believe allows a realistic amount of time for completion of all necessary fact discovery:

- **December 22, 2023:** Fact discovery deadline.
- **January 31, 2024:** Deadline for the parties to complete mediation.
- **March 1, 2024:** Deadline for PBD to file any expert disclosures and reports.
- **April 17, 2024:** Deadline for Defendants to file any expert disclosures and reports.
- **May 15, 2024:** Deadline for PBD to file any rebuttal expert disclosures and reports.

This proposed December 22, 2023 fact discovery deadline is the deadline that PBD proposed in the last status report and status conference, and ensures the parties have time to incorporate any factual support into meaningful mediation submissions and analyze such information with their clients. Defendants are also not inclined to set scheduling deadlines for settlement demands and responses, but would be open to that process if it is ultimately prescribed by any settlement conference or mediator's protocol. Defendants also note that PBD's proposed date for completing written discovery is premature and should match the close of fact discovery. For example, PBD just issued supplemental requests to Defendants on October 27, 2023.

II. Remaining Fact Witness Depositions.

Defendants have deposed all witnesses that are parties to the case or are current employees of parties where Defendants sought a deposition. Additionally, Defendants have taken the third-party depositions of Huckster, Inc., McKee Distributing, and Kevin Cook. In total, Defendants have taken seven depositions to date. The parties intend to take the following additional depositions before the close of fact discovery:

To Be Taken by Defendants²:

- Jay Patel: originally scheduled for October 20, 2023 and postponed due to witness unavailability. Awaiting witness availability from PBD.
- Mariam Ezzy/Ezzy & Associates LLC: originally scheduled for October 20, 2023 (following the postponement of Mr. Patel's deposition) and postponed due to witness unavailability. Awaiting witness availability, as coordinated by PBD's counsel.
- Abe Baba: awaiting witness availability from PBD.
- Eric Rodriguez: awaiting witness availability from PBD.

To Be Taken by PBD:

- JLI 30(b)(6): JLI has proposed December 4, 6, 11, 18, or 19 as potential dates. The parties are continuing to work to find a mutually agreeable date.
- HSW 30(b)(6).
- Timothy Danaher (former JLI employee) Hammad Ahmad (subject to HSW 30(b)(6) designation), Joshua Blacksher (former JLI employee), Bob Robbins (former JLI employee), Mark Dohse (current HSW employee), Hakam Batareh, Amin Nemeh (former PBD contractor), Bill McLaughlin (former PBD contractor), Jeff Panfil (former PBD contractor), Nathan Tatum (former JLI employee), Robert VanHoorebeck (former JLI employee).
- Nishesh Rajbhandari (reserving, but not expected to be deposed), Christine Rogowski (reserving, but not expected to be deposed).

Dated: November 1, 2023

Power Buying Dealers USA, Inc. By: <u>/s/ Gary A. Grasso</u> Grasso Law, PC 38 Blaine Street, Suite 100 Hinsdale, IL 60521 630-654-4500 ggrasso@grassolaw.com abowers@grassolaw.com	By: <u>/s/ James Harrison</u> Walker Harrison, PLLC 2511 Bloor Street West, Suite 410 Toronto, Ontario Canada M6S 5A6 walkerharrison@rogers.com	
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² JLI reserves the right to take additional depositions based on documents recently produced or to be produced by other parties or on future deposition testimony.

<p>Juul Labs, Inc.</p> <p>By: <u>/s/ Mason D. Roberts</u></p> <p>James T. McKeown Foley & Lardner LLP 777 E. Wisconsin Ave. Milwaukee, WI 53202 (414) 271-2400 jmckeown@foley.com</p> <p>Lauren M. Loew Mason D. Roberts Foley & Lardner LLP 321 N. Clark Street, St. 3000 Chicago, IL 60654 (312) 832-4500 lloew@foley.com mroberts@foley.com</p>	<p>HS Wholesale, Limited</p> <p>By: <u>/s/ Michael A. Jacobson</u></p> <p>Michael A. Jacobson Saul Ewing Arnstein & Lehr LLP 161 North Clark Street Suite 4200 Chicago, IL 60601 michael.jacobson@saul.com</p>	
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CERTIFICATE OF SERVICE

I, Mason D. Roberts, an attorney, certify that on November 1, 2023, I caused the foregoing **Joint Status Report** to be filed with the Clerk of the Court using the CM/ECF system for the District Court of the Northern District of Illinois.

/s/ Mason D. Roberts
Mason D. Roberts